

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:24-cv-00368-JWH-BFM

Date: August 6, 2024

Title: Deron James Purvis, Jr. v. County of Riverside, et al.

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Present: The Honorable Brianna Fuller Mircheff, United States Magistrate Judge

Christianna Howard

Deputy Clerk

N/A

Court Reporter / Recorder

Attorneys Present for Plaintiff:

N/A

Attorneys Present for Defendants:

N/A

Proceedings: (In Chambers) Order to Show Cause re: Failure to Prosecute; Failure to Notify Court of Address Change

On February 13, 2024, Plaintiff Deron James Purvis, Jr. filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF 1 (“Complaint”).) At the time, Plaintiff was housed at the John J. Benoit Detention Center in Indio, California, where the alleged incidents occurred.

On May 22, 2024, this Court granted Plaintiff’s request for an extension of time to submit a copy of his certified trust statement. (ECF 12.) On June 7, 2024, the District Judge granted Plaintiff’s request (ECF 13) to proceed without prepayment of the filing fee. (ECF 14.) On June 11, 2024, this Court issued its Order Re: Civil Rights Case. (ECF 15.) That Order makes it clear that it is Plaintiff’s responsibility to “notify the Court immediately” if his address changes, and that failure to comply with a Court order where Plaintiff did not receive the order due to his failure to inform the Court of his current address, may result in the action being dismissed for failure to prosecute. (ECF 15 at 2.)

On June 13, 2024, the Court’s Order granting an extension of time (ECF 12) was returned to the Court as undeliverable; on June 26, 2024, the District

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Judge's Order granting Plaintiff's request to proceed without prepayment of the filing fee (ECF 14), and the Court's Order Re: Civil Rights Case (ECF 15), were also returned to the Court as undeliverable.

Although Plaintiff has not submitted a notice of address change, the CDCR website reflects that he is now housed at Ironwood State Prison. On June 21, 2024, the Court clerk re-mailed ECF 12, 14, and 15 to Ironwood State Prison. That mailing has not been returned.

Plaintiff has not been in contact with this Court since June 3, 2024, and has not submitted a notice of his address change as required by the Court's Order Re: Civil Rights Case (ECF 15.) It is not the Court's responsibility to keep track of Plaintiff's whereabouts.

The Court therefore orders Plaintiff to **show cause**—meaning, to explain—why the case should not be dismissed for failure to prosecute the case and/or for failure to keep the Court informed of his current address.

Alternatively, if Plaintiff no longer wishes to pursue this action, **no later than September 3, 2024**, he may instead file a notice of voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. The court Clerk is directed to include a copy of Central District form CV-09, "Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c)," along with this Order.

Plaintiff's response to this Order must be filed **no later than September 3, 2024**. Providing the Court with his current address, or submitting the fully completed and signed Notice of Dismissal, will constitute an adequate response to this Order.

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Failure to respond to this Order by September 3, 2024, will result in a recommendation to the District Judge that this action be dismissed without prejudice for failure to prosecute and/or to comply with Court orders and/or to notify the Court of his current address.

The Clerk shall serve a copy of this Order on Plaintiff at his address of record as well as at Ironwood State Prison.

IT IS SO ORDERED.

cc: Deron James Purvis, Jr., pro se

Initials of Preparer: ch